

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OLEKSANDR KASIANOV,

Petitioner,

v.

GAMBOA,

Respondent.

No. 2:22-cv-2324 CKD P

ORDER

On June 14, 2023, petitioner filed a motion seeking leave to conduct discovery. The motion was denied as petitioner did not show good cause for discovery as he must under Rule 6 of the Rules Governing Section 2254 Cases. In particular, the court noted that respondent has not yet filed a response to petitioner's § 2254 petition, so it is not clear that any discovery will be warranted or permissible under the law.

Petitioner has now filed an "amended" motion for discovery and what the court construes as a motion for reconsideration of the denial of petitioner's motion. After both motions were filed, respondent filed an answer.

Petitioner still has not shown good cause for discovery so his pending motions will be denied. If, after reviewing respondent's answer, petitioner has a good faith belief that discovery is appropriate under law, he may submit renewed motion for discovery. The motion should be filed, if necessary, before the deadline for the filing of petitioner's traverse.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's "Amended Request for Discovery" (ECF No. 14) is denied.
2. Petitioner's motion for reconsideration (ECF No. 18) is denied.
3. Petitioner's traverse shall be filed no later than August 1, 2023.

Dated: June 29, 2023



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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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